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Attorney for Plaintiff
David G. Smith

**UNITED STATES DISTRICT
FOR THE DISTRICT OF NEVADA**

SVI, INC., DBA SPECIALTY VEHICLES,
A Nevada Corporation;
Plaintiff,

Vs.

DAVID G. SMITH, Individually; BUS
SERVICES CORPORATION, DBA TRAMS
International, a California Corporation; DOES
Through X, Inclusive; ROE CORPORATIONS 1
Through X, Inclusive

Defendants.

CASE NO: 2:07-CV-1447
Hon. Lloyd D. George

Motion to Withdraw As Counsel

COMES NOW the undersigned attorney of record for the Plaintiff, David G. Smith, and prays this Court to enter order granting leave to withdraw as counsel for the Plaintiff herein, and as grounds therefore would show the Court:

1. There have arisen irreconcilable differences between the Plaintiff and the undersigned as the Plaintiff refuses to cooperate with counsel and has breached their Retainer agreement with counsel by refusing to make any payments under the contract. The undersigned is a solo practitioner and it has been difficult for him to continue owing to many charges on his

1 practice. The Plaintiff has refused, delaying or is using dilatory tactics to pay his fees which
2 has been accrued since last March, 2008.

3 2. The undersigned will be unable to effectively and properly continue representing the
4 Plaintiff because of such differences and because of financial hardship.

5 3. The last known address of the Plaintiff is:

6 David G. Smith
7 1411 Delaware #4
8 Huntington Beach, CA 92648

9 WHEREFORE, upon hearing hereof, the undersigned prays:

- 10 1. That this Court enters an order allowing withdrawal herein;
11 2. For such relief as the Court deems just and proper.

12 Dated this 6th Day of September, 2008.

13
14 (sd) Malik W. Ahmad

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22 Malik11397@aol.com
23 Attorney for Plaintiff
24 David G. Smith
25

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on September 6th, 2008, I served a copy of the foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD, upon the following parties by depositing the same in a sealed envelope in the United States Post Office, Las Vegas, Nevada first class postage fully prepaid and addressed to the following:

David G. Smith
1411 Delaware #4
Huntington Beach, CA 92648

John H. Caballero,
12070 Telegraph Road
Suite 103
Santa Fe Springs, CA 90670

Russell G Gubler
8831 West Sahara Avenue
Las Vegas, Nevada 89117

I further certify that service was made by electronic means to all other parties and their counsel of record.



Malik W. Ahmad

AFFIDAVIT OF MALIK W. AHMAD, ESQ.,
IN SUPPORT OF
MOTION TO WITHDRAW

STATE OF NEVADA)
COUNTY OF CLARK) ss:

Malik W. Ahmad, Esq., the Affiant, being first duly sworn, deposes and says as follows:

1. I am an attorney with the Law Office of Malik W. Ahmad, representing Plaintiff David G. Smith, in the above entitled action.


2. I have personal knowledge of all matters stated herein and would competently be able to testify to them and make this Affidavit under the penalty of perjury.

3. I make this Affidavit in support of this Motion to Withdraw as Attorney of Record.

4. There have arisen irreconcilable differences between the undersigned and the Plaintiff in that the Plaintiff has breached his Retainer Agreement with counsels by refusing to make payment under the contract.

5. Due to the irreconcilable differences which have arisen between the undersigned and his client, the undersigned will be unable to effectively and properly continue representing the Plaintiff herein.

6. It is in the best interests of both undersigned and Plaintiff that their attorney-client relationship be terminated.


MALIK W. AHMAD, ESQ.

SUBSCRIBED AND SWORN to before me
this 4 day of September, 2008.

Carma Adams
NOTARY PUBLIC

